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Attorneys for Defendant
ASSET ACCEPTANCE, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH CONTRERAS, an individual,

Plaintiff,

vs.

HSBC CONSUMER LENDING USA, dba
BENEFICIAL; ASSET ACCEPTANCE LLC;
DOES 1 THROUGH 10,

Defendants.

No. CV 08-02849 SBA

**AMENDED NOTICE OF MOTION AND
MOTION TO DISMISS**

Date: August 5, 2008
Time: 1:00 p.m.
Courtroom: 3, 3rd Floor

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, on August 5, 2008, commencing at 1:00 p.m. or as
3 soon thereafter as the matter may be heard in Courtroom 3 of the United States District
4 Court for the Northern District of California, Oakland Division, located at 1301 Clay Street,
5 3rd Floor, Oakland, California, 94612, the Honorable Sandra B. Armstrong presiding,
6 Defendants HSBC Consumer Lending USA, dba Beneficial ("HSBC"), and Asset
7 Acceptance LLC ("Asset Acceptance"), will and hereby do move this Court for an Order
8 dismissing Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil
9 Procedure.

10 This motion is made on the grounds that Plaintiff Elizabeth Contreras ("Plaintiff")
11 lacks standing to sue on the claims she pursues in this litigation because the claims are
12 property of her bankruptcy estate. According to Plaintiff's Complaint, Plaintiff's causes of
13 action accrued on or about December 5, 2007, prior to her June 1, 2008 petition under
14 Chapter 7 of the United States Bankruptcy Code. As a matter of law Plaintiff's claim is
15 property of her bankruptcy estate, to be administered solely by the Trustee of that estate.

16 Dated: June 19, 2008

17 SONNENSCHN NATH & ROSENTHAL
18 CHRISTOPHER E. PRINCE
19 MANUEL ALVAREZ JR.

20 By: /s/ Manuel Alvarez Jr.
21 Manuel Alvarez Jr.
22 Attorneys for Defendant
23 HSBC CONSUMER LENDING USA
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1 Dated: June 19, 2008

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5 By: /s/ Jeffrey A. Topor
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6 Attorneys for Defendant
7 ASSET ACCEPTANCE, LLC
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